

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Adam Fiandaca

v.

Civil No. 12-cv-00188-JL

Taylor Lobster Company, LLC

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **January 3, 2013.**

The Discovery Plan (document no. 17) is approved as submitted, with the following changes:

- Close of discovery - **120 days prior to final pretrial conference**
- Expert challenges - **60 days prior to final pretrial conference**
- Summary judgment deadline - **120 days prior to final pretrial conference**
- Jury trial - **February, 2014**

On or before **January 15, 2013**, defendant Taylor Lobster Company, LLC shall file an affidavit identifying each of its members, and the citizenship of each, for purposes of diversity jurisdiction. In response to this filing, and on or before **January 31, 2013**, the plaintiff shall file a second amended complaint either (1) omitting the claims against defendant Chelsey Severns, Jr., with the result that they will deemed

dismissed without prejudice, or (2) alleging the relationship of Severns's vessel or conduct to the accident at issue.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Oral argument on dispositive motions. Counsel and the parties should anticipate that oral argument will be held on all dispositive motions. Any party preferring that such a motion be decided on the written filings alone should so notify the clerk.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should

expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: January 3, 2013

cc: Brian Keane, Esq.
Francis X. Quinn, Jr., Esq.
Donald L. Smith, Esq.